

REMARKS

I. Amendment to the Specification and Drawings

A. Typographical Error/Grammatical Mistake in Specification

The amendment of the paragraph on page 12, lines 15-22 corrects a typographical error and/or grammatical mistake. The corrections of the typographical error and/or grammatical mistake and do not add any new matter to the specification.

B. Claimed Features

The Examiner has objected to the drawings under 37 C.F.R. § 1.83(a), concluding that each of the features must be shown or the feature(s) canceled from the claim(s). As for the “two partitions” language of claims 9 and 21, it is respectfully submitted that this feature is shown in the drawings. Figures 7, 8, 9, and 10 each show one-half of a track section. Each track section half may include one or more partitions. Claims 9 and 21 recite the limitation of “the baling wire guide track section includes at least two partitions.” Because the baling wire guide track section includes two track section halves, and each track section half includes at least one partition, the baling wire guide track section has at least two partitions. It is respectfully requested that this objection be withdrawn.

As for the “releasable pressure applicator” of claims 5 and 13, this claim language has been removed from the claims, and claims 11 and 18 have been cancelled.

II. Amendment to the Claims

Upon entry of the foregoing amendment, claims 1-10, 12-17, and 19-24 are pending in the application. Original claims 11 and 18 have been cancelled, and new claims 23-24 have been added. Of the pending claims, claims 1, 5, and 13 are independent.

III. . Claim Rejections under 35 U.S.C. § 102(b)

The Examiner has rejected Claim Nos. 1, 3-4 as being anticipated by U.S. Patent No. 3,477,363 (the “Trumbo” patent) under 35 U.S.C. §102(b). To anticipate a claim, the reference must teach every element of the claim. See MPEP 2131. Claim 1 has been amended to recite, “at least one static partition centrally positioned within said receiving aperture in between said top and said bottom and extending from a leading edge of said receiving aperture.” Trumbo does not teach these claim limitations.

Trumbo teaches a triangular bridge 36 “mounted on the inner surface of base 12.” See col. 2, lines 60-61 of Trumbo. As best seen in Figs. 3 and 4 of Trumbo, this triangular bridge 36 is offset from the leading edge of the receiving aperture and is located on one side of the channel 15. Instead of a triangular bridge located on the floor of the channel, Applicant has claimed a partition centrally located within the receiving aperture. Because Trumbo does not teach “at least one static partition centrally positioned within said receiving aperture,” Trumbo cannot anticipate claim 1. Because claims 2-4 depend from claim 1 and include all of the limitations thereof, these claims are also not anticipated. Moreover, claims 2-4 include additional structural and functional limitations which distinguish these claims over the prior art. Therefore, Applicant respectfully requests that this rejection be withdrawn.

IV. Rejections under 35 U.S.C. § 103

The Examiner has rejected Claim Nos. 2, 5-22 under 35 U.S.C. §103 (a) as being unpatentable over U.S. Patent No. 6,637,324 (the “Stamps” patent) in view of Trumbo. For a prima facie case of obviousness, the prior art references must teach or suggest all of the claim limitations. See MPEP 2142. Claim 2 depends from and includes all of the limitations of claim

1. Claim 1 has been amended to recite, “at least one static partition centrally positioned within said receiving aperture in between said top and said bottom and extending from a leading edge of said receiving aperture.” Neither Stamps nor Trumbo teach “at least one static partition centrally positioned within said receiving aperture.” Because the prior art references do not teach or suggest this claim limitation, Applicant submits that claim 2 is not obvious. Applicant courteously requests that this claim rejection be withdrawn.

Claim 5 has been amended to recite, “a partition . . . positioned within said wide aperture in between a top and a bottom of said at least one guide track section.” Similar claim language has been added to independent claim 13. Neither Stamps nor Trumbo teach “a partition . . . positioned within said wide aperture in between a top and a bottom of said at least one guide track section.” Because the prior art references do not teach or suggest this claim limitation, Applicant submits that claims 5 and 13 are not obvious. Further, dependent claims include each and every limitation of the independent claim from which it depends. Claims 6-10, 12, and 23 depend from claim 5, and claims 14-17, 19-22, and 24 depend from claim 13. Because claims 6-10, 12, 14-17, and 19-24 include limitations not taught or suggested by the cited references, these claims should be viewed as non-obvious as well. Applicant respectfully requests that this claim rejection be withdrawn.

V. Conclusion


Applicant respectfully submits that the independent claims are allowable over the prior art of record, including the cited references. For similar reasons, and for the additional reasons set forth above, Applicant urge that the dependent claims are also allowable.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David A. Chambers", written over a horizontal line.

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Amendments to the Drawings

The attached drawing sheet includes changes to Figures 7-10. Specifically, numeral references “T,” “B” and “560” have been added to Figures 7-10. The drawing modifications are in accord with the original disclosure and are made only for clarity. No new matter has been added. The attached sheet replaces the original drawing sheets, which included Figures 7-10.

Attachment: Replacement Sheets